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Attorneys for Plaintiff
SUCCESSFACTORS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

SUCCESSFACTORS, INC., a Delaware
corporation,

Plaintiff,

v.

SOFTSCAPE, INC., a Delaware
corporation; and DOES 1-10, inclusive,

Defendants.

Case No. CV 08 1376 CW (BZ)

**JOINT STIPULATION AND ORDER
MODIFYING DEADLINES IN CASE
MANAGEMENT ORDER**

[CIVIL L.R. 6-2, 7-12]

Complaint Filed: March 11, 2008
Trial Date: June 1, 2009

Plaintiff SuccessFactors, Inc. and Defendant Softscape, Inc., through their respective counsel of record, submit this Joint Stipulation and [Proposed] Order Modifying Deadlines in Case Management Order and as good cause state:

On October 6, 2008, the Court issued an Order granting leave for the parties to file amended pleadings. (Dkt. No. 246; *see* Decl. of Patrick Premo in Supp. of Joint Stip. and [Proposed] Order (“Premo Decl.”), ¶ 3.) The current schedule does not afford sufficient time for the parties to obtain adequate discovery on newly introduced claims and counterclaims. (*Id.* ¶¶ 4-5.) Thus, the parties request a modest extension of pretrial and trial deadlines as set forth below. (*Id.* ¶ 5.)

To date, the parties have requested only two prior extensions of time to amend the pleadings (*see* Dkt. Nos. 213 and 245), but have not otherwise sought any extensions of time for any other pretrial or trial deadlines set forth in the Case Management Order entered July 1, 2008. (*See* Dkt. No. 150; Premo Decl. ¶ 6.) Accordingly, the parties hereby stipulate and agree to the following modifications to the existing pretrial and trial schedule:¹

DESCRIPTION	DEADLINE
Fact discovery closes; last day to serve supplemental disclosures; last day to identify affirmative expert witnesses	December 23, 2008
Last day to file motions to compel discovery	January 8, 2009
Last day for the parties to exchange opening expert reports	January 16, 2009
Last day for the parties to exchange rebuttal expert disclosures and reports	February 9, 2009
Expert discovery closes	February 23, 2009
Last day for Defendant to file and serve initial Motion for Summary Judgment	March 5, 2009

¹ The parties agree on all proposed deadlines listed in this Stipulation with the exception of the new trial date. Although the parties are in agreement that a resetting of the trial date is appropriate, SuccessFactors requests a new trial date of July 6, 2008, while Softscape requests a new trial date of July 13, 2008. The parties request that the Court select the new trial date from among the parties’ proposals. (*See* Premo Decl. ¶ 5.)

DESCRIPTION	DEADLINE
Last day for Plaintiff to file and serve Opposition to Motion for Summary Judgment and Cross-Motion for Summary Judgment (contained within a single brief)	March 19, 2009
Last day for Defendant to file and serve reply/opposition to Cross-Motion (contained within a single brief)	March 26, 2009
Last day for Plaintiff to file and serve surreply	April 2, 2009
Last day to respond for requests for authentication of documents	April 13, 2009
<ul style="list-style-type: none"> Hearing on Motions and Cross-Motions for Summary Judgment Further Case Management Conference 	April 16, 2009, 2:00 p.m.
Last day for parties to exchange papers described in Civil Local Rules 16-10(b)(7), (8), (9) and (10) and Motions in Limine	May 22, 2009
Last day for lead counsel to meet and confer regarding: <ul style="list-style-type: none"> Preparing content of Joint Pretrial Conference Statement Resolving disputes regarding pretrial materials to be lodged with the Court Settlement of the action 	June 3, 2009
Last day to file: <ul style="list-style-type: none"> Joint Pretrial Conference Statement Trial Exhibit List and Objections Premarked Trial Exhibits (to be lodged with the Court) Witness List Discovery response excerpts Trial briefs Motions in Limine Joint Proposed Voir Dire Joint Proposed Jury Instructions Proposed Verdict Forms, Joint or Separate 	June 12, 2009

DESCRIPTION	DEADLINE
<ul style="list-style-type: none"> Proposed Findings of Fact and Conclusions of Law 	
Final Pretrial Conference	June 23, 2009, 2:00 p.m.
Jury trial begins [Estimated 8 days in length]	Plaintiff proposes July 6, 2009; Defendant proposes July 13, 2009

IT IS SO STIPULATED.

Dated: October 7, 2008

FENWICK & WEST LLP

By: /s/ Patrick E. Premo

Attorneys For Plaintiff SUCCESSFACTORS, INC.

Dated: October 7, 2008

MINTZ LEVIN COHN FERRIS GLOVSKY AND
POPEO, PC

By: /s/ Bryan Sinclair

Attorneys For Defendant SOFTSCAPE, INC.

ATTESTATION PURSUANT TO GENERAL ORDER 45

Concurrence in the filing of this document has been obtained from the other signatory.

Dated: October 7, 2008

FENWICK & WEST LLP

By: /s/ Patrick E. Premo

Attorneys For Plaintiff SUCCESSFACTORS, INC.

ORDER

**PURSUANT TO STIPULATION, IT IS SO ORDERED. THE TRIAL IS SET FOR
JULY 13, 2009.**

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Dated: _____, 2008



The Honorable Claudia Wilken
United States District Court Judge

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ATTORNEYS AT LAW
MOUNTAIN VIEW